

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KATIE JOHN, et al., )  
)  
Plaintiffs, )  
)  
vs. )  
)  
UNITED STATES OF AMERICA, et al., )  
)  
)  
Defendants. )

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STATE OF ALASKA, )  
)  
Plaintiff, )  
)  
and )  
)  
ALASKA FISH AND WILDLIFE FEDERA- )  
TION AND OUTDOOR COUNCIL, et al., )  
)  
Plaintiff-Intervenors, )

vs. )  
)  
GALE NORTON, Secretary of the )  
Interior, et al., )  
)  
Defendants, )

and )  
)  
KATIE JOHN, et al., )  
)  
Defendant-Intervenors, )  
)  
and )  
)  
ALASKA FEDERATION OF NATIVES, )  
)  
Defendant-Intervenor. )

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No. 3:05cv0006-HRH  
(Consolidated with  
No. 3:05cv0158-HRH)

O R D E R

Case Status

A status conference was held in this case on April 24, 2006. The conference was called for the purpose of arriving at a briefing schedule for these consolidated cases and the related case of Peratrovich v. United States, No. 3:92cv0734-HRH. As a consequence of the continuing efforts of counsel prior to this conference, a tentative schedule was developed. All parties are now in agreement that the issue of whether the Secretaries employed a proper administrative procedure process (the "what process" issue) for determining the existence of reserved water rights should be taken up first.

The agreed schedule follows.

Issue 1. The "What Process" Issue.

State's Opening Brief:	July 14, 2006
AOC's Supplemental Brief:	July 28, 2006
United States' Response:	Sept. 11, 2006
Katie John's Response and Supplemental Brief of AFN and Peratrovich:	Sept. 22, 2006
State's Reply:	Oct. 6, 2006
AOC's Supplemental Reply:	Oct. 13, 2006
United States' Reply:	Nov. 3, 2006
Katie John's Reply and AFN and Peratrovich Supplemental Reply:	Nov. 17, 2006

A second set of issues raised by these consolidated cases has to do with which waters are "public lands" for purposes of reserved waters regulation under Title VIII of ANILCA. Subject to

possible reconsideration after the completion of briefing of the "what process" issue, the parties and court have tentatively agreed upon the following, further briefing schedule.

Issue 2. The "Which Waters" Issue.

State's Opening Brief:	Jan. 22, 2007
AOC's Supplemental Brief:	Feb. 12, 2007
United States' Response:	Mar. 23, 2007
Katie John's Response and John Affirmative Claim and AFN Supplemental Response:	Apr. 9, 2007
State's Reply & AOC's Supplemental Reply:	Apr. 30, 2007
United States' Response to John:	May 21, 2007
John Reply:	June 4, 2007

While the foregoing schedules appear to address the following concern, intervenors Alaska Federation of Natives and the Alaska Fish and Wildlife Federation and Outdoor Council are reminded that the orders permitting their intervention contemplate that intervenors will coordinate their briefing with the primary party with whom or which they are aligned, that they will adopt or join in the lead party's briefing where their points of view are the same, and that only their differing positions or arguments will be addressed in intervenors' separate briefs. Concurrent herewith, the court is entering an order in Peratrovich v. United States, No. 3:92cv0734-HRH, advising the Peratrovich plaintiffs that they may participate in these proceedings in the same fashion as the

Alaska Federation of Natives and the Alaska Fish and Wildlife Federation and Outdoor Council.

DATED at Anchorage, Alaska, this 26th day of April, 2006.

/s/ H. Russel Holland  
United States District Judge